

DACA and Data by David Montgomery

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The question of whether those who have been in illegal status in the US are more prone to crime than others is an important one in taking a position on DACA. Two recent studies reach opposite conclusions on this issue. One by John Lott, whose analysis and writings on gun control I respect immensely, analyzes data from New Mexico and concludes that illegal immigrants are a high crime risk. Another, by two researchers from the Cato Institute, concludes on the basis of nationwide data that some are and some are not. Since the question is critical and these are the two best-researched and disinterested studies I have read, it is worthwhile asking which is more plausible.

Noting that illegal entrants commit a disproportionate number of crimes is not sufficient to condemn DACA. At least two hypotheses could explain this: those who enter illegally are more disposed to crime than those who enter legally, or the conditions under which illegal immigrants live once they are here make them more disposed to crime than those with legal residence status. If the first hypothesis is true, then there is no more reason to be concerned about dreamers becoming criminals than anyone else – entering was not their choice. If the second hypothesis is true, then dreamers could be a danger because they have lived in the conditions that spawn crime. Logically, it is also possible that both or neither is true, so that both should be tested.

I am not one of those who think that crime should be excused by social factors, but there is overwhelming empirical evidence that some demographic groups are much more prone to crime than others. We can see that in the data on crime by race by native-born Americans and immigrants.

The population distribution by race in New Mexico is atypical, making the Cato study's data on incarceration rates much more useful. Incarceration rates allow for fair comparisons between groups because they reveal the percentage of the population in each group that committed crimes resulting in a prison sentence, and they take into account the severity of sentences. The demographic with the highest incarceration rate is native Black. Out of every 100 in the native Black population (the category title used in the study) 4.2 are incarcerated. For native Hispanic the figure is 1.95 and for native Asian it is 0.5. Native White is not so great: the incarceration rate for that demographic is 0.9 per hundred, above Asian but below native Hispanic and Black.

Looking at illegal immigrants, the picture is different. The incarceration rate in the Black immigrant groups, whether legal or illegal, is lower than that for native White. The incarceration rate for the legal Hispanic group is 0.7 while the crime rate for illegal Hispanic is 1.2. Immigrant Asian has even lower rates than native Asian.

We learn a few things from this already. First, comparing any immigrant group to the native population as a whole is misleading. Illegal immigrants as a whole have an incarceration rate of 0.9, but that only looks good compared to the crime rate of 1.5 for all native born because of the very high crime rates among the Black demographic.

The well-documented breakdown of the black family, welfare-dependent mothers without husbands, the rise of gang culture, and other socio-economic factors help explain high crime rates in the native Black demographic. That this is not a genetic difference, though clearly a problem handed down in family environments and values from generation to generation, is demonstrated by the extraordinarily lawful behavior of immigrant blacks, legal and illegal. Who themselves are the most vocal critics of native Black behavior.

The contrast between native Black crime rates and those of Black immigrants also suggests that those two groups remain distinct after black immigrants arrive in the U.S., since immigrant Blacks appear to be immune to the pathologies within native Black society.

I do not believe that most Hispanic immigrants find themselves in such a dysfunctional environment, any more than African immigrants. While the incarceration rate for illegal Hispanic immigrants is higher than that for legal Hispanic immigrants, it is lower than the incarceration rate for native Hispanics. Indeed, aside from native white and Asians, all native groups – black, Hispanic, and other – have higher incarceration rates than either legal or illegal Hispanic immigrants.

How, then should the data on Hispanic immigrants, the overwhelming majority of DACA candidates, be evaluated? There is clear evidence that a higher percentage of those who enter the U.S. illegally end up in jail, but this does not support the conclusion that those who entered illegally are all criminals. The data do confirm that the border wall is a necessary step in controlling crime from illegal immigrants, and that careful vetting of those who do present themselves for legal entry is necessary.

On the other hand, I see no evidence from this nationwide study to support John Lott's conclusion from atypical New Mexico data that immigrants in DACA status are more likely to commit crimes. While the data show that those who enter illegally are more likely to commit crimes, I am very skeptical that anyone who was brought into the U.S. at a very young age was at that time destined to a criminal future. And there is nothing in the data to suggest that they are more likely to commit crimes than Hispanics who were born here or admitted legally.

Certainly, I see no reason that any individual immigrant, legal or illegal, should be allowed to remain here if he or she violates our laws. Any non-citizen immigrant who commits a serious crime should be deported immediately on finishing his or her sentence. What disqualifies someone under Maryland law from possessing a firearm: conviction for a misdemeanor carrying a possible sentence of two years or more, a violent crime, a felony, three DUIs or two drug convictions. Such a screen rule should also be applied to individuals in the DACA group.

But how to deal with the relatively law-abiding group as a whole is a different question. I come away from examining these admittedly imperfect data convinced that qualified amnesty for immigrants who entered the U.S. as children and have lived here for many years without having criminal records is very unlikely to lead to more crime. I support allowing them to stay, after a criminal record check, and providing a path to citizenship. And I would extend that more widely

to illegal immigrants who can likewise demonstrate that they have obeyed our laws and supported themselves and their families.

The President seems to have it right again: the border wall and a path to citizenship.